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July 18, 2018

*ADMITTED IN NY AND NJ
◊ADMITTED IN NY, NJ AND CT
△ADMITTED IN NY
◊ADMITTED IN WV, MA

VIA CM/ECF

Honorable Steve Mannion, U.S.M.J.
United States District Court
District of New Jersey
Martin Luther King Blvd. and U.S. Courthouse
50 Walnut Street
Newark, NJ 07101

Flexi-Van v. W.P. Dolle Risk Management, LLC
Civil Action No.: 2:18-cv-01647-SDW-SCM
Our File No.: 103-85

Dear Judge Mannion:

This firm represents Flexi-Van Leasing, Inc.
("Plaintiff") in the above referenced matter.

In accord with your Order of May 21, 2018 extending Plaintiff's time to submit an Affidavit of Merit to July 18, 2018, I provide herein Plaintiff's Affidavit of Merit. A copy of the Affidavit has been provided to defendant's counsel by CM/ECF and e-mail.



Honorable Steve Mannion, U.S.M.J.
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Thank you for your courtesies and considerations

Respectfully submitted,

FLICKER, GARELICK & ASSOCIATES, LLP

A handwritten signature in black ink that reads "Keith L. Flicker".

By: Keith L. Flicker

KLF:jm
Enclosures

cc: VIA CM/ECF and
VIA E-MAIL, ashields@grsl.com

Audrey L. Shields, Esq.
Golden, Rothschild, Spagnola, Lundell, Boylan & Garubo P.C.
Attorneys for Defendant, W.P. Dolle, LLC
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|------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Flexi-Van Leasing, Inc., Plaintiff, v. W. P. Dolle, LLC, Defendants.</p> | <p>IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY Civil Action 2:18-CV-01647-SDW-SCM AFFIDAVIT OF MERIT pursuant to N.J.S.A. 2A:53A-27</p> |
|------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

STATE OF NEW JERSEY)

S.S.

COUNTY OF WARREN)

I, Franklin Seigel, CPCU, of full age, being duly sworn, upon his oath, according to law, deposes and says:

- (a) I make this Affidavit of Merit is made by Franklin Seigel, CPCU, of Ringwood Consulting Group, Inc., at the request of Plaintiff. Flexi-Van Leasing, Inc.
- (b) I am a licensed New Jersey Insurance Producer with Authorities in Property/Casualty/Life/Health/Surplus Lines and a New Jersey State approved Instructor for: Producer License exam.
- (c) I am and have been since 1989 the President and Senior Consultant for Ringwood Consulting Group, formerly Ringwood Insurance Brokerage, Inc.
- (d) I am have been continuously active in the insurance business in excess of forty (40) years, and I am familiar with the types of insurance that are the subject matter of this case.
- (e) I graduated from the University of Rhode Island in 1973.

(f) I received my CPCU Designation, Society of CPCU in 1980. A copy of my curriculum vitae is attached hereto as Exhibit "A".

(g) I have been qualified as an expert witness on insurance and insurance brokerage matters by the courts of the State of New Jersey and United States District Courts sitting in the State of New Jersey.

(h) I am familiar with the standards of professional care governing the actions of insurance producers licensed by and producing insurance insuring risks located in the State of New Jersey.

(i) I have reviewed the documents listed in Exhibit "B" hereto.

(j) Based upon my review of the aforesaid, I hereby state, pursuant to N.J.S.A. 2A:53A-27, that there exists a reasonable probability that the care, skill or knowledge exercised or exhibited in the practice or work of the defendant W. P. Dolle, LLC, that is the subject of the Complaint in this action, fell outside of acceptable professional standards of practice applicable to insurance producers licensed by and producing insurance insuring risks located in the State of New Jersey owed to Plaintiff, Flexi-Van Leasing, Inc..

(k) I have no financial interest in the outcome of this case.

(l) I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



FRANKLIN SEIGEL, CPCU

Dated: July 18, 2018

Sworn and subscribed to before
me this 18 day of July, 2018.

Laura O'Brien
Notary Public for the State of New Jersey

LAURA N. O'BRIEN
NOTARY PUBLIC OF NEW JERSEY
Comm. # 2455465.
My Commission Expires 8/17/2021

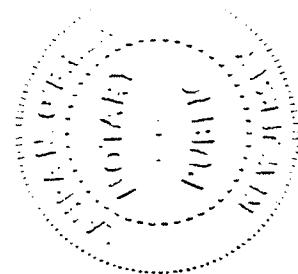


EXHIBIT A

FRANK SEIGEL, CPCU

38 Canada Goose Dr.
Hackettstown, New Jersey 07840
Tel: 973-616-1800 · Fax: 973-839-6337
Email: fseigel@optonline.net

PROFILE

- Licensed New Jersey Producer with Authorities in Property/Casualty/Life/Health/Surplus Lines.
- Licensed Non-Resident Pennsylvania Agent with Authorities in Property/Casualty/Allied Lines.
- NJ State approved Instructor for: Producer License exam, PAIP/CAIP Producer Certification and Courses for Continuing Education.
- Former Instructor for INS 21, INS 22, INS 23, and CPCU I for Seton Hall University.
- Expert Witness and Litigation Support consultant in various insurance matters in New Jersey, New York, Pennsylvania, Alabama, Oklahoma, Maryland, Montana, Indiana and Illinois.
- NJ Supreme Court Trained Civil Mediator (R. 1:40 Approval Pending)

EXPERIENCE

Ringwood Consulting Group [formerly Ringwood Insurance Brokerage, Inc.] (1989-Present)

President and Senior Consultant

- Expert witness and litigation support consultant to attorneys on insurance matters in NJ, NY, PA, AL, OK, MD, MT, IN & IL
- Consultant on agency management, marketing, E&O prevention and other related disciplines
- Instructor for various courses of continuing education
- Expert reports and testimony favorably cited by New Jersey Superior Court, and Appellate Division

Horan Goldman Companies, LLC (September 2007 – January 2008)

Regional Vice-President

- Responsible for all branch operations and management, including business development, underwriting, marketing and placing of personal and commercial lines.

Jimcor Agencies (January 2006 – September 2007)

Branch Manager

- Responsible for all branch operations and management, including business development, underwriting, marketing and placing of personal and commercial lines.

Delaware Valley Underwriting Agency, Inc. (November 2001- January 2006)

Vice President

- Responsible for Special Projects, Internal Operations, Program and Business Development

BlackWhite/Concord Insurance Brokerage, Inc. [formerly Concord Insurance Brokerage, Inc.]
(November 1990-April 2001)

President & CEO, Managing General Agent and Insurance Intermediary, Excess & Surplus Lines

- Created and introduced a nationwide program for "hard to place" Lawyers Professional Liability and Miscellaneous Errors & Omissions Insurance for various entities.
- Developed, filed, and introduced a mono-line Commercial Auto program for New Jersey based insureds.
- Developed and implemented agency management system for internal use including marketing, new business tracking, invoicing, quoting, and policy issuance.
- Designed Website with downloadable and printable applications for use by brokers and clients.

Slapin, Lieb, Pike, Rampolla & Cerbone (January-November 1990)

Vice President & Chief Underwriting Officer

- Responsible for planning, marketing, and financial administration activities.
- Served as staff liaison with agency principals.
- Trained and managed staff of 20 with premium volume exceeding \$20 million.

Frank Seigel, CPCU
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Rue Insurance Agency of Essex, Inc. [formerly RTK&S Insurance Services, Inc.] (January 1985-December 1989)
Founder, President and Director

- Built agency to volume of over \$2.5 million - from \$18,000 start-up capital to \$150,000 in retained earnings at time of sale of agency to partner. Total agency value exceeded \$600,000.

Prudential Reinsurance Company (September 1984-January 1985)

Underwriting Manager

- Transferred into the "Parent" to handle all Financial Guarantee/Surety business for the Prudential "family."
- Developed a database to track business written by Prudential "family" including gross accumulation on an aggregate basis.
- Assumed responsibility for daily underwriting of all Financial Guarantee Business.
- Member, Financial Guarantee Underwriting Committee.

Dryden & Company, Inc. (May 1981-September 1984)

(Subsidiary of Prudential Reinsurance Company)

Underwriting Manager & Department Head, Special Projects Department

- Charged with designing new products and developing a methodology to handle non-traditional Property and Casualty coverages.
- Successfully developed and wrote Credit Insurance, Loan Guarantee Insurance, Excess FDIC, Excess SIPC, Residual Value, Environmental Impairment Liability, Resource Impairment Insurance, and Structured Settlement Bonds, all previously not provided by Dryden.
- Provided an in-house facility to the Prudential "family" for analysis and structure of potential risks.

Professional Insurance Programs, Inc. [formerly Eisenberg Agency, Inc.] (September 1974-May 1981)

Vice President

- Promoted from Office Manager position to oversee all office functions including underwriting, claims, marketing, personnel, and accounting.

Aetna Casualty and Surety Company (January 1973-September 1974)

Commercial Casualty Underwriter

- Performed standard underwriting and marketing functions.
- Attended Aetna's six week Home Office Casualty Underwriting School.
- Lines of business written including W/C, Commercial Auto, CGL, Professional Liability, and Umbrella.

EDUCATION

- **CPCU Designation**, Society of CPCU (1980)
- **B.A.**, University of Rhode Island (1973)

SELECTED PROFESSIONAL DEVELOPMENT

- The Cates Course in Bank Analysis
- PLI Seminar on Bankruptcy
- PLI Seminar on Municipal Defaults
- ABA Conference on Banking and Insurance
- ABA Seminars on Legal Malpractice
- Employment Practices Liability Seminars
- Numerous Continuing Education Courses in Management, Personnel, Law, and Related Disciplines
- Developed and published a Continuing Education Course entitled, *Insuring Internet Exposures* (©2001)
- Developed and presented a Continuing Education Course for AAMGA entitled, *Additional Insured* (©2004-2008)
- NJ Civil Mediation Course Training (R. 1:40 Approval Pending)

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PROFESSIONAL ACTIVITIES

- Past President, New Jersey Chapter Society of CPCU
- Current and Past President, Independent Insurance Agents of Essex County, Inc.
- Past President, Surplus Lines Association of New Jersey, Inc. (NJSLA)
- Former Member, New Jersey Department of Insurance Committee Education
- Former Member, Grading Panel for the Insurance Institute of America
- Former Arbitrator for the American Arbitration Association.
- Panelist, ABA Conference on Banking and Insurance
- Attendee, New Jersey Conference on ECRA
- Guest Speaker and Presenter for various professional, academic, and civic groups including New Jersey Chapter CPCU, Independent Insurance Agents, Seton Hall University Continuing Education Department, National Association of Insurance Women (NAIW), Local Rotaries, and Insurance Service Office (Verisk, formerly ISO)
- NJ State Approved Volunteer Mediator for Municipal Court Matters
- Member, Professional Liability Underwriting Society (PLUS)
- Member, Wholesale and Specialty Insurance Association (WSIA formerly NAPSLO)
- Member, Surplus Lines Association of New Jersey, Inc.
- Member, New Jersey Surplus Lines Examination Review Committee
- Member, Professional Insurance Agents of New Jersey (PIA-NJ)
- Member, BIG I New Jersey [formerly Independent Insurance Agents and Brokers of New Jersey, Inc. (IIABNJ)]
- Member, Society of CPCU and New Jersey Chapter Society of CPCU
- Trustee and Volunteer, Equine Tranquility Wellness Center, Inc., a therapeutic riding center for those with and without Special Needs, such as Autism, Asperger's, MS, PTSD, Downs Syndrome, ADHD/ADD, etc.
- 2014 Honoree of the Year, Surplus Lines Association of New Jersey, Inc. (NJSLA)

EXHIBIT B

1. A filed Stamped Copy of the Complaint together with all exhibits thereto in connection with this matter;
2. A copy of the filed stamped Discovery Plan in connection with this matter;
3. A copy of *Defendant Flexi-Van Leasing, Inc.'s, Memorandum in Support of Its Motion For Summary Judgment As To All Issues As To It* in the matter of *Charles Vititoe and Lena Vititoe v. Bridgestone Americas Tire Operations, Inc.; Bridgestone Americas, Inc.; Bridgestone Industrial Products America, Inc.; Accuride Corporation, Formally Firestone Steel Products Division; Accuride De Mexico S.A. de C.V.; Flexi-Van, Inc.; Intermodal Bridge Transport, Inc.*, 2:12-CV-01844-DNC;
4. A copy of the *Memorandum of Plaintiff, Flexi-Van Leasing, Inc., In Support Of Its Motion For Partial Summary Judgment Or, In the Alternative, For Certification* in the matter of *Flexi-Van Leasing, Inc. v. The Travelers Indemnity Company*, 2:15-CV-01787-DCN;
5. A copy of the filed stamped Answer of Defendant, W.P. Dolle, LLC; and,
6. The Travelers' March 27, 2013, reservation of rights letter to Flexi-Van Leasing, Inc.